

REMARKS

General Remarks

Claims 1-15 are all the claims pending in the application.

The Examiner has acknowledged Applicants' claim for foreign priority and the receipt of the certified copy of the priority document. The Examiner had also returned a signed and initialed copy of the PTO-Form 1449, filed with an IDS on October 27, 2003.

Claims

Claims 1-15 are all the claims pending in this application. Claims 2, 4, 7, 9, 12, and 14 stand objected to for formalities. Claims 1, 6, and 11 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Fuyama, U.S. Patent No. 5,363,296 ("Fuyama"). Claims 2-3, 7-8, and 12-13 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Fuyama. Claims 4-5, 9-10, and 14-15 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Fuyama, in view of Tanaka, U.S. Patent No. 4,935,608 ("Tanaka").

Claim Formalities

The Examiner has objected to the incorrect spelling of "forth" in Claims 2, 4, 7, 9, 12, and 14. Applicants amend these claims to correct the informalities and submit that all pending claims are now in proper form. Applicants respectfully submit that these amendments are not intended to narrow the scope of the original claims, but are rather to correct minor informalities only. Accordingly, these amendments do not foreclose application of reasonable equivalents.

Claims 1, 6, and 11

With respect to the Examiner's §102(b) rejection of Claims 1, 6, and 11, Applicants respectfully submit that Fuyama fails to disclose or suggest adding 1 to a limit counter or comparing a value of a limit counter with a corresponding limit count, as claimed. The Examiner fails to reference any particular part of Fuyama that discloses these limitations.

Fuyama is generally directed to an electronic cash register with macro keys. Macro keys are individual keys of the cash register which, when designated, instructs a sequence of key codes to be executed. The invention of Fuyama also relates to macro key instructions which enable an authorized operator of the cash register to operate the register at a predetermined time and in predetermined conditions. (Fuyama, Abstract).

However, Fuyama fails to disclose or suggest a limit counter, as claimed. A non-limiting example of a limit counter, as discussed at p. 8-9 of the specification, is a counter which counts the number of times a particular key has been used, up to a certain limit. The only references in Fuyama to counters are to a set data counter 4-2 and to a step counter 5-3. Col. 8, lns. 5-10 and Col. 8, ln. 36 to Col. 9, ln. 36 describes the set data counter 4-2 and the step counter 5-3. Generally, the set data counter is used to hold an address number of a setting field, if macro set data is set for a particular macro key. If no macro set data is set, then the set data counter is 0. When the corresponding macro key is designated, and the set data counter is not 0, the step counter is set to 1, and the macro key is processed, as described in Figure 11. During the processing, if it is determined that the manager level of the cash register operator is not equal to

or greater than the required level for that macro key, the value of the set data counter is stored in the step counter and the processing is stopped.

As described, then, it is clear that neither the set data counter, nor the step counter of Fuyama are equivalent to a limit counter as claimed. Therefore, Fuyama fails to disclose or suggest either adding 1 to a limit counter or comparing a value of a limit counter to a corresponding limit count, as recited in Claims 1, 6, and 11.

Therefore, Applicants submit that Claims 1, 6, and 11 are not anticipated by Fuyama, and respectfully request that the §102(b) rejection of these claims over Fuyama be reconsidered and withdrawn.

Claims 2-3, 7-8, and 12-13

With respect to the Examiner's §103(a) rejection of Claims 2-3, 7-8 and 12-13 over Fuyama, Applicants submit that these claims are patentable at least by virtue of their dependence on one of Claims 1, 6, and 11, and for the following additional reasons.

The Examiner acknowledges that Fuyama fails to disclose or suggest adding 1 to a limit counter if a coincidence is found, as recited in Claims 2-3, 7-8, and 12-13, and argues, however, that Fuyama discloses that 1 is added to a counter if a coincidence *is not* found. However, the Examiner fails to point to a particular part of Fuyama that discloses this, and in fact, Fuyama fails to disclose adding 1 to a limit counter if a coincidence *is* found and also fails to disclose adding 1 to a limit counter is a coincidence *is not* found.

First, as discussed above, Fuyama fails to disclose a limit counter. Rather, Fuyama discloses a set data counter and a step counter. Further, as discussed above, the only time that 1 is added to either of these counters is when 1 is added to the step counter when the set data counter is not 0. (Fuyama, col. 8, lns. 36-44).

With respect to Claims 2, 7, and 12, Fuyama fails to teach or suggest sending to a host computer that the depressing of a key exceeds a limit count if the value of the limit counter exceeds the limit count, as claimed. As discussed, Fuyama fails to teach or suggest a limit counter. Also, Fuyama fails to teach or suggest a limit count or sending to a host computer that a limit count is exceeded, as claimed.

With respect to Claims 3, 8, and 13, Fuyama fails to teach or suggest displaying that the depressing of a key exceeds a limit count if the value of the limit counter exceeds the limit count, as claimed. The Examiner fails to discuss this limitation of Claims 2, 7, and 12. As discussed, Fuyama fails to teach or suggest a limit counter or a limit count. Also, Fuyama fails to teach or suggest displaying that a limit count is exceeded, as claimed.

Therefore, Applicants submit that Claims 2-3, 7-8, and 12-13 are not obvious over Fuyama, and respectfully request that the §103(a) rejection of these claims over Fuyama be reconsidered and withdrawn.

Claims 4-5, 9-10, and 14-15

With respect to the Examiner's §103(a) rejection of Claims 4-5, 9-10, and 14-15, Applicants respectfully submit that the combination Fuyama and Tanaka fails to teach or suggest all the limitations of these claims for at least the following reasons.

As discussed above, Fuyama fails to teach or suggest all of the limitations of Claims 1, 6, and 11, from which Claims 4-5, 9-10, and 14-15 depend. Further, Tanaka fails to remedy these deficiencies of Fuyama. Therefore, Claims 4-5, 9-10, and 14-15 are patentable at least by virtue of their dependence on one of Claims 1, 6, and 11. Further, the combination of Fuyama and Tanaka fails to teach or suggest specific limitations recited in Claims 4-5, 9-10, and 14-15.

The combination of Fuyama and Tanaka fails to teach or suggest reading in sequence, function numbers corresponding to a specific keys in sales data in a memory unit, as recited in Claims 4, 9, and 14. As the Examiner explains, Tanaka teaches ten-keys 12, a set key 113, and a clear key 114 in Figure 3 and col. 3, lns. 25-35. However, Tanaka fails to teach or suggest a Cancel key, a Void key, a No Sale key or a Transaction Void key, as claimed. The Examiner argues that these keys are all equivalents of a clear key. However, as claimed, these are four separate keys, in addition to a clear key, and Tanaka teaches only a single clear key. Also, both Fuyama and Tanaka fail to teach or suggest reading in sequence, function numbers for these keys in sales data in a memory unit, as claimed.

The combination of Fuyama and Tanaka also fails to teach or suggest resetting a limit counter, as recited in Claims 4, 9, and 14. The Examiner fails to reference any portion of either

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Fuyama or Tanaka that teaches or suggests this limitation. As discussed above, Fuyama fails to teach or suggest a limit counter, and Tanaka fails to make up for this failure.

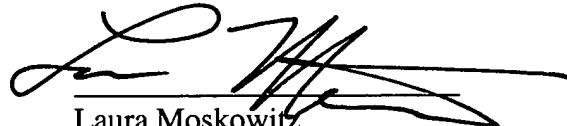
Therefore, Applicants submit that Claims 4-5, 9-10, and 14-15 are patentable over the combination of Fuyama and Tanaka, and respectfully request that the §103(a) rejection of these claims over Fuyama and Tanaka be reconsidered and withdrawn.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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